

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ALEX MUNOZ, GABRIEL MUNOZ, AND
JUAN G. MUNOZ INDIVIDUALLY AND
ON BEHALF OF OTHER SIMILARLY
SITUATED EMPLOYEES.

Plaintiffs,

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SULLIVAN'S OF ILLINOIS, INC. DBA
SULLIVAN'S STEAKHOUSE.

Defendant.

Case No. 1:17-cv-1089

Judge Hon. Andrea R. Wood

Magistrate: Hon. Jeffrey T. Gilbert

JOINT MOTION FOR COURT APPROVAL OF SETTLEMENT

Named Plaintiffs Alex Munoz, Gabriel Munoz, and Juan G. Munoz and Opt-In Plaintiff Cirilo Salinas (“Plaintiffs”) and Defendant Sullivan’s of Illinois, Inc. dba Sullivan’s Steakhouse (“Defendant”), by and through their respective attorneys, jointly move the Court to approve the settlement agreed to by the parties and submitted to the Court. In support of the motion, the parties state as follows:

1. On February 10, 2017, Plaintiffs filed a proposed class and collective action complaint against Defendant under the Fair Labor Standards Act, 29 U.S.C. § 201, *et. seq.*, the Illinois Minimum Wage Law, 820 ILCS 105/1 *et seq.*, the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 *et seq.*, arising out of their work as bussers at Sullivan’s Steakhouse in Chicago, Illinois. On March 1, 2017, Plaintiffs filed their First Amended Complaint alleging retaliation under the Fair Labor Standards Act.

2. The parties consented to a settlement conference before Magistrate Judge Gilbert. Pursuant to the Court Order dated June 19th, 2017, the parties conferred and agreed on a schedule by which they would exchange and information and statements of position which was submitted

to the Court on July 11, 2017 and so ordered on July 14, 2017. Pursuant to the Court's July 14th, 2017 Order, the parties to this matter have exchanged statements of position, information, documents and payroll records. In accordance with the Court's September 28th Order, the parties were directed to engage in further settlement discussions. The parties believe that they possess sufficient and proper information to resolve this matter.

3. Following the exchange of information and arms-length negotiations between counsel, the parties have reached a mutually satisfactory individual s with Plaintiffs which both sides agree adequately compensates Plaintiffs for any and all claims for alleged back wages, as well as any other claim for compensation, arising from their employment with Defendant.

4. When employees bring a private action against their employer or former employer for alleged back wages under the FLSA, and the parties present to the district court a proposed settlement, the district court may enter a stipulated judgment dismissing the case after scrutinizing the settlement to insure that it is a fair and reasonable resolution of a bona fide dispute over wages under the FLSA. *See Walton v. United Consumers Club, Inc.*, 786 F.2d 303, 306 (7th Cir. 1986); *Lynn's Food Stores v. United States*, 679 F.2d 1350, 1355 (11th Cir. 1982).

5. Submitted herewith as Exhibits 1 through 4, for review by the Court, are the Settlement Agreements entered into between Defendant and Plaintiffs, as well as a draft Order Approving Settlement.

6. The parties jointly request that the Court approve the Settlement Agreements because it is a fair and reasonable resolution of bona fide disputes over wages under the FLSA.

7. The parties further request that the Court dismiss this case with prejudice pursuant to the terms of the Settlement Agreements, including any claims or rights of the individual Plaintiffs as purported class representatives in this litigation with all parties bearing their own

costs and fees except as may otherwise be provided or in the Settlement Agreements, and dismiss the case without prejudice as to the putative class and collective action members described in the First Amended Complaint. The parties have also submitted a proposed order to that effect to the Court's proposed order email address.

WHEREFORE, for the foregoing reasons, the Parties respectfully request that this Court enter an Order approving the Settlement Agreements as a fair and reasonable resolution of bona fide disputes under the FLSA.

Jointly submitted,

/s/ Jonathan C. Wilson

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of November, 2017, I electronically filed the foregoing Joint Status Report with the Clerk of the Court using the Court's CM/ECF system, which will send notification of such filing to all counsel deemed to receive service.

/s/ James T. McBride

James T. McBride

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